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असाधारण

EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF COMMERCE

ORDER

EXPORT TRADE CONTROL

New Delhi, the 13th December 1965

S.O. 3916.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act 1947 (18 of 1947) the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1962, namely:—

1. In the Exports (Control) Order, 1962,—

(i) in clause 2, after sub-clause (e), the following sub-clause shall be inserted, namely:—

“(f) ‘value’ has the same meaning as in sub-section (1) of section 14 of the Customs Act, 1962 (52 of 1962).”;

(ii) for clause 3, the following clauses shall be substituted, namely:—

“3. *Restriction on export of certain goods.*—Save as otherwise provided in this Order no person shall export any goods of the description specified in Schedule I, except under and in accordance with a licence granted by the Central Government or by an officer specified in Schedule II.

3A. *Declaration as to value, sort, quality etc.*—On the exportation from any Customs port of any goods, whether liable to duty or not, the owner or exporter of such goods shall, in the Shipping Bill on other relevant documents state the value, sort specification, quality and description of such goods to the best of his knowledge and belief, and certify that the quality and specification of the goods.

as stated in those documents, are in accordance with the terms of the export contract entered into with the buyer or consignee in pursuance of which the goods are being exported, and shall subscribe to a declaration to the truth of such statements at the foot of such Shipping Bill or other documents.

3B. Prohibition regarding making, signing, etc. of any declaration, statement or document:—

- (1) No person shall make, sign or use or cause to be made, signed or used any declaration, statement or document in obtaining a licence, or in exporting any goods knowing or having reason to believe that such declaration, statement or document is false in any material particular.
 - (2) No person shall employ any corrupt or fraudulent practice in obtaining any licence or in exporting any goods.”;
- (iii) for clause 8, the following clauses shall be substituted, namely:—

“8. *Power to debar from receiving licences or exporting goods.*—The Central Government or the Chief Controller of Imports and Exports may debar a licensee or exporter or any other person from receiving licences or from exporting any goods and direct, without prejudice to any other action that may be taken in this behalf, that no licences shall be granted to him or no permission shall be granted to him for exporting any goods, for a specified period under this Order—

- (a) if his application for licence is at any time found to be not in conformity with any provision of this Order; or
- (b) if such application is found to contain any false, fraudulent or misleading statement; or
- (c) if he is found to have used in support of his application any document which is false or fabricated or which has been tampered with; or
- (d) if he has, on any occasion, tampered with an export licence or has exported goods without a licence or has been a party to any corrupt or fraudulent practice in his commercial dealings or in obtaining a licence, or in exporting any goods, or is found to have solicited any licence by offering an inducement to the holder of the licence or otherwise; or
- (e) if his agent or employee has been a party to any corrupt or fraudulent practice in obtaining any licence, or in exporting any goods, on his behalf; or
- (f) if he fails to comply with or contravenes or attempts to contravene or abets the contravention of any conditions embodied in, or accompanying, a licence or an application for licence; or
- (g) if he commits a breach of any law (including any rule, order or regulation) relating to customs or the import and export of goods or foreign exchange; or
- (h) if he fails to produce any document that is called for by the Chief Controller of Imports and Exports or any other licensing authority.

8A. Power to suspend grant of licences or permission to export goods.—The Central Government or the Chief Controller of Imports and Exports may suspend the grant of licences or permission to export goods to a licensee or exporter or any other person, pending investigation into any allegation or allegations referred to in clause 8 without prejudice to any other action that may be taken in this behalf:

Provided that the grant of licences and permission to export goods shall not ordinarily be suspended under this clause for a period exceeding twelve months:

Provided further that on the withdrawal of such suspension, licences may be granted to him for the period of suspension subject to such conditions, restrictions or limitations as may be considered necessary by the authority aforesaid keeping in view the relevant economic factors.

8B. *Licensee etc. to be given opportunity of being heard.*—No. action shall be taken under clause 8 or clause 8A against the licensee or exporter or any other person unless he has been given a reasonable opportunity of being heard.”;

(iv) clause 10 shall be re-numbered as sub-clause (1) thereof and after that sub-clause as so re-numbered, the following sub-clause shall be inserted, namely:—

“(2) Nothing in this Order except clauses 3A, 3B, 8, 8A and 8B shall apply to the goods specified in Schedule 1A.”

(v) after Schedule I, the following Schedule shall be inserted, namely:—

“SCHEDULE—1A. [See clause 10(2)]

All goods other than—

- (i) Goods specified in Schedule I;
- (ii) Paper money;
- (iii) Silver bullion and silver sheets and plates which have undergone no process of manufacture subsequent to rolling;
- (iv) Gold bullion and gold sheets and plates which have undergone no process of manufacture subsequent to rolling;
- (v) Current coins of the Government of India;
- (vi) Silver coins, not otherwise specified;
- (vii) Gold coins.”

[No. E(C)O, 1962/AM(94).]

P. SABANAYAGAM, Chief Controller of Imports & Exports.

